

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

Albert Montgomery,

Case No. 3:19 CV 1392

Petitioner,

JUDGE JAMES G. CARR

v.

ORDER

Warden James Haviland,

Respondent.

Petitioner Albert Montgomery, an inmate in state custody at the Allen-Oakwood Correctional Institution in Lima, Ohio, brings this action for writ of habeas corpus pursuant to 28 U.S.C. § 2254 to challenge his 2012 conviction in the Franklin County Court of Common Pleas in Columbus, Ohio. Franklin County is within Ohio's southern federal judicial district. Allen-Oakwood Correctional Institution is located within Ohio's northern federal judicial district. Because Petitioner challenges the conviction of a state court within the Southern District of Ohio, but is in custody in the Northern District of Ohio, both Districts have concurrent jurisdiction over the action. 28 U.S.C. § 2241(d).

This Court has the discretion to transfer this action to the Southern District for hearing and determination. *Id.* A transfer to the Southern District is appropriate in this case, because it is the more convenient forum and the evidence is more readily accessible in the District where Petitioner was convicted. *See Bell v. Watkins*, 692 F.2d 999, 1013 (5th Cir. 1982), *cert. denied*, 464 U.S. 843 (1983); *see also, Braden v. 30th Judicial Circuit Court of Ky.*, 410 U.S. 484, 497 n.13 (1973).

Accordingly, this action is TRANSFERRED to the United States District Court for the Southern District of Ohio (Columbus).

IT IS SO ORDERED.

/s/James G. Carr  
Sr. U.S. District Judge